

Scientology defense religion-based

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A civil fraud suit in Portland seeking \$42 million in punitive damages against the Church of Scientology was described Tuesday as the "broadest-based attack on religion that has ever happened in the history of man."

Earle C. Cooley, a Boston attorney who headed the church defense, told a Multnomah County Circuit jury that Scientology "ranks up among the most abused religions in the history of the world. Perhaps only the Jews have suffered more at the hands of their enemies."

Cooley, who said he had been a trial lawyer for 28 years, said the case against the church made him sick at his stomach. "The unthinkable has happened. A religion is on trial in this court for its life."

The suit was filed on behalf of Julie Christofferson Titchbourne, a Portland woman who alleges she was defrauded by the church and its founder, L. Ron Hubbard, by several representations that lured her into Scientology for nine months in 1975 and 1976.

Cooley described the amount of damages sought as crippling and suggested that "external forces told her to apply the green poultice of money to a non-existent wound" by raising the amount of her claim, which was \$30,000.

Jurors were to begin deliberating Wednesday after hearing legal instructions from Circuit Judge Donald H. Londer. The trial is in its 10th week.

During his daylong closing argument, Cooley said all the representations made to Titchbourne were for religious purposes protected by the constitutional right to freedom of religion.

He said he also doubted whether Titchbourne relied on any of the representations — one of the elements that must be proved in a fraud case — because Titchbourne first became interested in Scientology through a high school friend in Eureka, Mont.

"She was sold when she walked in the door" of the Portland mission, Cooley said. "She didn't pay any attention to any representations. She had to be slowed down, she was so excited."

Titchbourne claimed she was told that Scientology was a science, not a religion, and that it could improve personal intelligence and cure several medical ailments, including nearsightedness. She also said she was told that Hubbard was a nuclear physicist and a civil engineer, which interested her because she planned to go into engineering.

Cooley accused Titchbourne of "shading and graying, and bobbing and

weaving" on the issue of whether she knew Scientology was a religion. He referred to several documents she signed while in the organization declaring that it was a religion and that one of its purposes was to make people aware of themselves as immortal beings.

Religious intent held key

Cooley urged jurors to decide whether any misrepresentations were made, and whether any of them were even in part for religious purposes. "If they were made for religious purposes, even in a small part, that is the end of the inquiry," he said.

He added later, "Do you know of any religion that does not proselytize or recruit? They would not be religions for long if they didn't."

Cooley rejected the theory that Scientology brainwashed its members, turned them into robots or required them to "disconnect" from their families if family members disapproved of Scientology.

He said 40 to 50 percent of the people taking the introductory Scientology course failed to finish or left Scientology. "They're not locked up and thrown into a dungeon," he said. Titchbourne had said she was told she

would have to gain her mother's approval of Scientology or else sever relations with her.

Cooley also responded to criticism during the plaintiff's argument Monday for not calling witnesses to refute former Scientologists. They had testified that Hubbard continued to manage the church and collect millions of dollars from its operations despite Hubbard's written statements that he had retired and did not make large sums from Scientology.

Cooley said the witnesses who made those claims had filed suits against the church totaling \$365 million and that the church was not willing to try their cases as part of the Titchbourne trial.

"The Church of Scientology did not rise to that bait, and they will not rise to it anywhere in this country, because it isn't right," he said. He described the former high-ranking Scientologists who testified against the church as "plunderers" who had lost an internal church power struggle in 1981 and had retaliated by placing the church under "economic siege."

Titchbourne won a \$2 million judgment against the church in a 1979 trial, but that decision was reversed by the Oregon Court of Appeals, which ordered a new trial.